

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT EARL HACKNEY,

Petitioner,

v.

CASE NO. 5:06-CV-10750
HONORABLE JOHN CORBETT O'MEARA

BLAINE LAFLER,

Respondent.

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ORDER OF DISMISSAL

This matter is pending before the Court on Robert Earl Hackney's habeas corpus petition and "Request Requiring Review of Filing." Plaintiff explains in his "request" that he mailed his voluminous habeas petition to the Court in three packages. The first package was received by the Clerk of Court and opened as "*Hackney v. Lafler*, Case No. 4:06-cv-10710. The second package was treated as a new case and given the caption and case number shown on this order. Petitioner states that he intended to file one original habeas petition and two identical copies. He seeks to correct the clerical error that occurred when a copy of the habeas petition filed in 4:06-10710 was treated as a new case.

"A district court, as part of its general power to administer its docket, 'may stay or dismiss a case that is duplicative of another federal court suit.'" *Piedra v. Aguirre*, 125 Fed. Appx. 968, 969 (10th Cir. 2005) (unpublished opinion) (quoting *Curtis v. Citibank, N.A.*, 226 F.3d 133, 138 (2d Cir. 2000)). The habeas petition in this case is a duplicate of the one filed in case number 4:06-cv-10710. Accordingly, Petitioner's request for review [Doc. #2, Mar. 8, 2006] is GRANTED and this action is DISMISSED without prejudice. If necessary, the Clerk of

Court may use the habeas petition filed in this case for service on the opposing party in case number 4:06-cv-10710.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: April 6, 2006